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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edgren, et al.
Serial No.: 09/469,399
Filed: Dec. 22, 1999
Title: Gastric Retention Dosage Form Having Multiple Layers

Attorney Docket No. ARC 2885 R
Group Art Unit: 1616
Examiner: Choi, F.

Petition To Withdraw Holding Of Abandonment Under 37 C.F.R. 1.181

Based On Failure To Receive Office Action

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a petition to withdraw holding of abandonment based on failure to receive an office action. This petition is filed within two months of receipt of the Notice of Abandonment, which was mailed on June 4, 2002.

The undersigned received a telephone call from Examiner Frank Choi regarding the present case on May 31, 2002. During the telephone call, Examiner Choi noted that, according to the Patent Office records, an Office Action had been mailed in the present

case on November 6, 2001. Upon review of the file jacket, however, the undersigned indicated that it appeared that no such Office Action had been received, and, as a result, no response to such Office Action had been prepared. A Notice of Abandonment was mailed on June 4, 2002, a copy of which is attached hereto as Exhibit 1.

The undersigned has reviewed all papers in the file jacket for the present case and did not find the aforementioned Office Action or any evidence of having received the Office Action. Moreover, the undersigned checked the computer docket and found no record of having received the Office Action.

In accordance with M.P.E.P. § 711.03(c)II, a copy of our docket report where the non-received Office Action would have been entered had it been received is attached hereto as Exhibit 2. With a mailing date of November 6, 2002, the Office Action would have had a docketed three-month response date of February 6, 2002. However, as can be appreciated by reference to Exhibit 2, the docket report corresponding to February 6, 2002, does not include an entry for application number 09/469,399, which has assignee's docket number ARC 2885-R1.

Having complied with all provisions of 37 C.F.R. § 1.181 and M.P.E.P. § 711.03(c)II, Applicants respectfully request withdrawal of the Notice of Abandonment and resumption of the prosecution of the present application.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Respectfully submitted,

Dated: August 1, 2002

By:



Samuel E. Webb
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68-05-21

PTO/SB/21 (6-98)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/469,399

Filing Date

December 22, 1999

First Named Inventor

David E Edgren

Group Art Unit

1616

Examiner Name

Choi, F.

Total Number of Pages in This Submission

7

Attorney Docket Number

ARC 2885 R1

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ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<ul style="list-style-type: none"> • Petition to Withdraw Holding of Abandonment
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	<ul style="list-style-type: none"> • Copy of Notice of Abandonment
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	<ul style="list-style-type: none"> • Copy of Docket Report
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	<ul style="list-style-type: none"> • Postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Samuel E. Webb; ALZA Corporation
Signature	
Date	8/1/02

CERTIFICATE OF MAILING

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